

REMARKS/ARGUMENTS

Claims 1 and 18–46 are pending in the application. Claims 1, 18–20, 21–41, and 44–46 are amended to correct reference to the claim numbers of canceled original claims, to correct antecedent basis, or to better conform to U.S. patent practice. Claims 2–17 previously were canceled. No new matter has been added.

The restriction requirement contained in the Office action mailed June 16, 2008 respectfully is traversed. Claim 1 of the instant application claims, in summary, a solid dishwasher detergent comprising three generic components a), b), and c), wherein the weight ratio of component b) to component c) is between 25:1 and 100:1. While Applicants agree that PCT Rule 13.1 requires that the application “relate to one invention only or to a group of inventions so linked as to form a single general inventive concept,” the single general inventive concept is not, as the Examiner appears to have concluded, the five non-ionic surfactants of claims 24–26 and 29–30 but, rather, the single general inventive concept is found in claim 1 and is the ratio of component b), which is a non-ionic surfactant, to component c). The single general inventive concept of claim 1 clearly consists of only a single object, the ratio of component b) to component c). Claims 24–26 and 29–30 depend from claim 1 and narrow the generic aspect of claim 1 b) to one of five general formulae of non-ionic surfactants. Applicants’ traversal is proper because PCT Rule 19.4 permits “a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.” The species of claims 24–26 and 29–30 fit squarely within the exception of PCT Rule 19.4, in contradiction to the Examiner’s reasons for restriction, because (1) five is a reasonable number

of dependent claims, (2) each of claims 24–26 and 29–30 claims a specific form of non-ionic surfactant of independent claim 1 b), and (3) unity of invention exists, even if the species of any one of claims 24–26 and 29–30 could be considered as constituting an invention unto itself. In view of Applicants' explanation that the single general inventive concept is in claim 1 rather than distributed among claims 24–26 and 29–30, the species of claims 24–26 and 29–30, indeed, do share the same "special technical features" under PCT Rule 13.2, that of specific forms of generic non-ionic surfactant. Accordingly, Applicants respectfully maintain that the Examiner's contention that the non-ionic surfactant species of claims 24–26 and 29–30 form the basis for a restriction requirement is inconsistent with PCT Rule 19.4.

Because Applicants believe that the Examiner improperly applied PCT Rule 13.1 to dependent claims, in contravention of PCT Rule 13.4, it follows that the Examiner's only basis for asserting lack of unity of invention might be with reference to PCT Rule 13.2 and any contribution the special technical features of the invention, considered as a whole, might make over the prior art. However, the Examiner did not assert that claims 25–26 and 29–30 lacked novelty or nonobviousness, either of which potentially might be used to argue lack of unity of the species of claims 25–26 and 29–30. Moreover, the Examiner did not cite prior art to serve as his basis to reach such a conclusion under PCT Rule 13.2. The Examiner asserted unpatentability as obvious only as to the surfactant of claim 24, but he neither cited prior art nor explained his basis for concluding that claim 24 is unpatentably obvious. Applicants acknowledge that the Examiner did include with the Office action form PTO-892, citing U.S. Publication No. 2003/0166493, but this reference appears to have been cited in isolation because it is not mentioned within the text of the Office action. It is unclear to Applicants how the cited

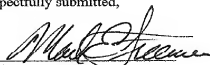
reference relates to their application and, particularly, what aspect or aspects of the reference might support the Examiner's basis for concluding lack of unity of invention. Applicants respectfully request guidance from the Examiner as to his intent in citing U.S. 2003/0166493.

The Examiner alludes to restriction between product and process claims. Applicants can only assume that the Examiner refers to claim 46, which claims a method of cleaning glassware comprising contacting glassware with the dishwasher detergent of claim 1, then rinsing the glassware. However, the Examiner does not aver that claim 1 is unpatentable. Because claim 46 depends from claim 1, and does not depend from any of restricted claims 24–26 and 29–30, Applicants believe that the Examiner has made no suggestion to withdraw claim 46; Applicants do not offer to do so at this time.

For at least the reasons discussed herein, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn. In the event that the Examiner decides to maintain his original restriction requirement, Applicants provisionally elect the species of claim 29, with traverse, for further prosecution. Applicants reserve all rights to pursue the non-elected species in one or more divisional applications, if necessary.

Because this Response is timely filed, no fee is believed due. However, if any fee should be due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 13744-00016-US from which the undersigned is authorized to draw.

Respectfully submitted,

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